19980

## PROOF OF PERSONAL SERVICE OF NOTICE OF TRUSTEE'S SALE AND TRUSTEE'S INSTRUCTIONS RELATIVE THERETO

TRUSTEE'S INSTRUCTIONS to the person who serves the trustee's notice of sale hereto attached:
STATE OF OREGON, County of
certify:
Reference is made to that certain trust deed executed and delivered by
MELVIN C. SMITH and MABLE SMITH, husband and wife,
as grantor toPIONEER_NATIONAL_TITLE_INSURANCE_COMPANYas trustee,
in which
is beneficiary, recorded onFebruary 6, 1980, in book M-80at page 2343 of as Thing
ieexproducexxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
covering the following described real property situate in said county:
covering the following described feat property states in the states,

See Exhibit A attached hereto and by this reference expressly made a part hereof.

A notice of default and election to sell and to foreclose said trust deed by advertisement and sale has been duly recorded in the mortgage records of said county. You hereby are directed to serve the trustee's notice of sale in said foreclosure proceedings upon the following person or persons whose interest in said described real property is stated below:

NAME OF PERSON TO BE SERVED

Melvin C. Smith 7016 Wiemer, No. 17 Anchorage, AK 99502 NATURE OF INTEREST

Grantor in Deed of Trust.

Mortgagee in Mortgage recorded March 24, 1981, in Book M-81, Page 5283. Assigned March 26, 1981, in Book M-81, Page 5418.

The undersigned hereby certifies that the person or persons just named are the only persons named in subsection 1 of Section 86.750 of Oregon Revised Statutes who now occupy said real property. The word "trustee" as used in this alfidavit means and includes any successor-trustee to the thister named in the trust deed iffst meritioned above.

(ÔFFICIAL SEAL)

Notary Public for Oregon My commission expires: 8/16/86

COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT, AT ANCHORAGE

RETURN OF SERVICE TRUSTER'S NOTICE OF SILE VENHALL Court No. I HEREBY CERTIFY AND return that I served the annexed TRUSTEE'S MOTICE OF S LE & EXHIBIT on the therein named MELVIN C. SMITH by handing to and leaving a true and correct copy there of with personally at \_7016 Wiemer, #17 at <u>Inchorage</u> Alaska, in said district, at 5:05 o'clock m, on the 30th day of October , 19 82 . Process Server SUBSCRIBED AND SWORN to before me this / day of Movember Notary Public in and for Alaska My commission expires 9/14/65 Attorney: William S. Wiley Service Fee: \$ 22.50 Mileage Endeavor TOTAL \$ 20.00

> JUDICIAL SERVICES & INVESTIGATIONS 360 K Street, Suite 246 Anchorage, Alaska 99501 Phone 907-274-2011

A piece or parcel of land situate in the N½SW¼NW¼ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point in the Westerly boundary of said Section 11, from which the section corner common to Sections 2, 3, 10, 11, Township 39 South, Range 9 East of the Willamette Meridian, and as marked on the ground by an iron pin driven therein, bears North 0° 13½! West 1662.5 feet distant and running thence South 0° 13½! East along the said Westerly boundary of Section 11, 107.5 feet; thence North 89° 42' East 240 feet more or less to a point in the center line of the U.S. Klamath Project No. 1 C 9A Drain; thence Northerly along the center line of said drain to its intersection with the center line of a 60 foot roadway; thence South 89° 44½! West along the center line of the said roadway 214.3 feet more or less to the point of beginning.

 ${\tt EXCEPTING}$  THEREFROM that portion lying within the right of way of Denver Avenue.

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	TRUSTEE'S NOTICE OF SALE
	Reference is made to that certain trust deed made, executed and delivered by  MELVIN C. SMITH and MABLE SMITH, husband and wife, as grantor, to  PIONEER NATIONAL TITLE INSURANCE COMPANY as trustee, to secure certain obligations in favor of PEOPLES MORTGAGE COMPANY, a Washington corporation as beneficiary, dated January 17, 19,80, recorded February 6, 19,80, in the mortgage records of Klamath County, Oregon, in book/PEOCKMINNEK No. M-80 at page 2343, SOCKMINNEK NO. M-80 at page 2343 property situated in said county and state, to-wit:
	See Exhibit A attached hereto and by this reference expressly made a part hereof.
	Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:  Monthly principal and interest payments in the amount of \$288.00 each for the months of April through September, 1982, plus \$11.52 late charge for each of the months of April through August, 1982.
	By reason of said default the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following, to-wit:
	the rate of 11.5% per

Principal amount of \$24,587.91, together with interest thereon at the rate annum from March 1, 1982.

A notice of default and election to sell and to foreclose was duly recorded September 9, 1982, where M-82at page 11905 of said mortgage records, reference thereto hereby being expressly made. WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Tuesday, the 5th day of February, 19 83, at the hour of 10:00 o'clock, A.M., Standard Time, as established by Section 187.110, Oregon Revised Statutes, at main door of the Klamath County Courthouse 15th , State of Oregon, sell at public Klamath Falls , County of Klamath in the City of auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date set for said sale. In construing this notice and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter, the singlar includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and their successors in interest; the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the trust deed. ..., Oregon, DATED at Eugene

Successor Trustee
P. O. Box 1147, Eugene, OR 97440 ...Lane.... State of Oregon, County of .... I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee; that I have carefully compared the foregoing copy of trustee's notice of sale with the original thereof and that the foregoing is a true, correct and exact copy of the original trustee's notice of sale and of the whole thereof. day of Octobay / 182. DATED at Engene , Oregon, this 12th | day of

William S. Wiley Attorney for said Trustee P. O. Box 1147, Eugene, OR 97440

## EXHIBIT A

A piece or parcel of land situate in the N½SW¼NW¼ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point in the Westerly boundary of said Section 11, from which the section corner common to Sections 2, 3, 10, 11, Township 39 South, Range 9 East of the Willamette Meridian, 11, Township 39 South, Range 9 East of the Willamette Meridian, sand as marked on the ground by an iron pin driven therein, bears and as marked on the ground by an iron pin driven therein, bears or 13½' East 1662.5 feet distant and running thence South North 0° 13½' East along the said Westerly boundary of Section 11, 107.5 0° 13½' East along the said Westerly boundary of Section 11, 107.5 in the center line of the U.S. Klamath Project No. 1 C 9A Drain; in the center line of the U.S. Klamath Project No. 1 C 9A Drain; thence Northerly along the center line of said drain to its thence Northerly along the center line of the said roadway South 89° 44½' West along the center line of the said roadway 214.3 feet more or less to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right of way of Denver Avenue.

STATE OF OTEGON; COUNTY OF KLAMATH; ss.

Return TO:

William S. Wiley
HUSK GLEANES SWEARINGEN
LADSEN & POTTER
ATTORNEYS AT LAW
F. C. EOX 1147
EUGENE, OREGON 97440